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(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert D. Torgerson et al.
Serial No.: 10/086,286
Confirmation No.: 3327
Filed: March 1, 2002
For: COLLAGEN FABRICS
Examiner: V.Q. Bui
Art Unit: 3731

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF DR. SURENDRA BATRA UNDER 37 C.F.R. § 1.132

I, Dr. Surendra Batra, declare as follows:

1. I am a biochemist and have 18 years of experience in the field of collagen research and product development and production. I received my Masters of Science degree in Medical Biochemistry in 1977 from the University of Delhi in India and my Doctor of Philosophy in Biochemistry in 1983 from the University of Reading in the United Kingdom.
2. I am currently a Research and Development technical consultant with Davol Inc., a subsidiary of C. R. Bard, Inc. I have been employed at Davol Inc. since 2000.
3. I have reviewed the pending claims, the Office Action dated May 3, 2006 (the "Office Action") and the cited prior art references in the above-identified application.
4. As indicated on page 2 of the Office Action, claims 1-3, 5-10, and 12-14 were rejected as being obvious over Cruz, U.S. patent 4,148,664 ("Cruz") in view of Mechanic, U.S. patent 5,332,475 ("Mechanic"). The Office Action states that it would have been obvious to one

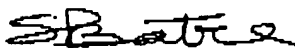
of ordinary skill in the art at the time of the invention to use the collagen product as disclosed by Cruz in water as taught by Mechanic. I disagree with this statement.

5. Cruz teaches a dry fibrous collagen "having hemostatic and adhesive properties". Cruz teaches treating water-wet collagen with ethanol to remove water, converting the collagen to an ionizable partial salt in the presence of ethanol and dehydrating it with ethanol to control the swelling of collagen fibers. Cruz also teaches that drying the collagen may also be effected by vacuum drying.

6. The collagen drying process described by Cruz produces a dry collagen that is at least partially cross-linked. Cross-linking of collagen reduces its suspendability and reduces its ability to form a slurry in water.

7. Because of the reduced suspendability in water of the collagen taught by Cruz, it is my opinion that one of ordinary skill in the art, as of the earliest priority date of the present application (December 1998), would not have a reasonable expectation of success in using the collagen taught by Cruz to prepare the instantly claimed invention.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above application and any patent or application related thereto.



Surendra Batra, Ph.D.

11.02.06

Date